

Appl. No.: 09/858,415

players and automatically synchronizing digital content in said portable digital content players when said portable digital content players are in range of each other.

#### **REMARKS**

Upon entry of the instant amendment, claims 1-6 are pending. Claims 1-6 have been amended to more particularly point out the Applicant's invention. A Request to Extend Time is submitted herewith. Any required fees are to be deducted from Deposit Account 50-1214. It is respectfully submitted that upon entry of the instant amendment, the application is in condition for allowance.

#### **CLAIM REJECTIONS – 35 U.S.C. § 103 (a)**

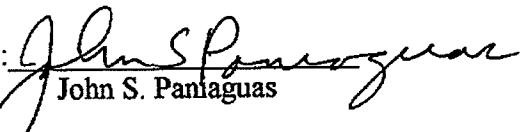
Claims 1-2 and 5-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Narayanaswami et al US Patent No. 6,477,117 (“the ‘117 patent”) in view of Stewart US Patent No. 5,969,678 (“the ‘678 patent”). The Applicant concurs with the Examiner that the ‘117 patent does not disclose automatic synchronization between devices. Moreover, it is respectfully submitted that the ‘117 patent does not disclose synchronization at all. Rather, the ‘117 patent simply discloses that the mobile device can access information from other devices. Synchronization of digital content between 2 devices refers to the process of causing the stored digital content in the 2 devices to be the same. See paragraph [0096] of the instant application, for example.

Be that as it may, the ‘678 patent was cited for disclosing synchronization. However, the ‘678 patent discloses a mobile device that can wirelessly communicate with

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access points in a network. It does not disclose wireless communication between  
mobile devices and does not disclose synchronization. For these reasons and the  
reasons above, the Examiner is respectfully requested to reconsider and withdraw the  
rejection under 35 U.S.C. § 103(a).

Respectfully submitted,

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